

STUART H. FINKELSTEIN, ESQ.

FINKELSTEIN LAW GROUP, PLLC  
338 Jericho Turnpike  
Syosset, New York 11791  
(718) 261-4900

September 26<sup>th</sup>, 2020

The Honorable Lorna G. Schofield  
Thurgood Marshall United States Courthouse  
Southern District of New York  
40 Foley Square, Courtroom 1106  
New York, New York 10007

Re: 75 & 81 Orchard Associates LLC, et al  
Case No.: 1:19-cv-05894-LGS

Dear Judge Schofield,

In accordance with your Individual Practices, Section III.C.3 and Local Rule 37.0, I write seeking a telephonic conference with your Honor to file Plaintiff's Motion to Preclude Defendants from 1) offering any report either for or in opposition of a Motion for Summary Judgment 2) offering any expert testimony at time of trial and 3) for any other purpose in this matter.

This lawsuit was filed on June 24, 201. While the pandemic has certainly prohibited the progression of this matter, nothing in the last sixteen months has gotten in the way of defendants having their own Expert inspecting the facility, thereby complying with court orders.

On August 3, 2020 [DE 91] Magistrate Judge Debra Freeman ordered that defendants rebuttal expert report, if any, be served by September 25, 2020. Your affiant has received nothing from defendants pursuant to the Order.

As such we seek to file our Motion seeking the preclusion of the above referenced. We appreciate your time.

With respect, I remain,

Very truly yours,

Stuart H. Finkelstein

SHF/tc  
To all counsel via ECF